

SLOVAK REPUBLIC

Act* on the peaceful use of nuclear energy and on alterations and additions to Act No. 174/1968 Zb. on State supervision of work safety as amended by Act of the National Council of the Slovak Republic No. 256/1994 Z.z. *****

adopted on 1 April 1998

The National Council of the Slovak Republic has passed this Act as follows:

Part I

Chapter One

BASIC PROVISIONS

Section 1

Subject of Act

This Act regulates:

- a) the conditions for use of nuclear energy for peaceful purposes;
- b) the obligations and rights of legal persons and natural persons in the use of nuclear energy;
- c) the classification of nuclear materials, the conditions for their production, processing, procurement, storage, transportation, use, accounting and control;
- d) conditions for management of radioactive waste from nuclear installations and of spent nuclear fuel and conditions for disposal of institutional radioactive waste;
- e) nuclear safety conditions;
- f) compensation for nuclear damage;

* This is an unofficial translation established by the OECD. Only the Slovak text has the force of law.

** Zb. (*Zbierka*), meaning from the collection of laws of the former Czechoslovakia.

*** Z.z. (*Zbierka zakonov*), meaning from the collection of laws of the Slovak Republic, commencing 1 January 1993.

- g) state supervision of nuclear safety at nuclear installations, procurement and use of nuclear materials, management of radioactive waste and management of spent nuclear fuel;
- h) sanctions imposed for violation of the obligations arising out of this Act.

Section 2

Definition of certain terms

In this Act, terms are understood as follows:

- a) *peaceful use of nuclear energy* shall mean the siting, construction, commissioning, operation, maintenance and reconstruction of nuclear installations and their decommissioning, the designing, manufacturing and testing of systems and components of nuclear installations, including the materials used to make them, the management of nuclear materials, special materials and equipment, the management of radioactive waste from nuclear installations and of spent nuclear fuel, research and development work on the above activities, and the special training of nuclear installation employees at specialised institutions;
- b) *storage of radioactive waste or spent nuclear fuel* shall mean the temporary emplacement of radioactive waste or spent nuclear fuel in sites, facilities or equipment that enables the radioactive waste or spent nuclear fuel to be isolated and monitored and the environment to be protected;
- c) *disposal of radioactive waste or spent nuclear fuel* shall mean their permanent emplacement in a radioactive waste or spent nuclear fuel repository;
- d) a *radioactive waste or spent nuclear fuel repository* shall mean a site, facility or equipment on the surface or underground used for disposal of radioactive waste or spent nuclear fuel and which enables this radioactive waste or spent nuclear fuel to be isolated and monitored and the environment to be protected;
- e) *institutional radioactive waste* shall mean radioactive waste arising during the handling of ionising radiation sources with the exception of spent nuclear fuel and radioactive waste from the operation of nuclear installations;
- f) *commencement of commissioning of a nuclear installation* shall mean loading of nuclear fuel into nuclear installations which have a nuclear reactor as one of their components, and also placing of nuclear materials or radioactive waste in other nuclear installations;
- g) *selected employees* shall mean employees carrying out activities which have a direct impact on nuclear safety and whose particular special qualifications have been verified by the Nuclear Regulatory Authority [Úrad Jadrového Dozoru – ÚJD] of the Slovak Republic through the passing of examinations;
- h) *selected equipment* shall mean equipment and devices and their parts and materials, buildings and structures, automated process control systems, including computer programmes and support systems, which are important in terms of nuclear safety.

Section 3

Principles of peaceful use of nuclear energy

- (1) Nuclear energy and nuclear materials may only be used for peaceful purposes in accordance with international agreements by which the Slovak Republic is bound.¹
- (2) The peaceful use of nuclear energy shall be justified by a benefit which shall compensate for the possible risks of such activities, especially through comparison with other methods by which the same benefit could be achieved.
- (3) During the peaceful use of nuclear energy, a level of nuclear safety, safety at work, protection of health against ionising radiation, physical protection and emergency preparedness shall be achieved, such that the hazard to life, health, the working environment and the environment is below the set limits² and, in the light of available knowledge, as low as reasonably achievable. When new significant information concerning the risk and consequences of use of nuclear energy appears, the level set shall be re-evaluated and the necessary measures shall be taken to meet the conditions established by this Act.

Section 4

Conditions for use of nuclear energy

- (1) The use of nuclear energy or carrying out of activities in the sphere of the use of nuclear energy shall only be permissible on the basis of an authorisation issued by the Nuclear Regulatory Authority of the Slovak Republic (hereinafter referred to as “the Authority”) to a legal person or a natural person who complies with the conditions set out by the general regulations on these activities³ and by this Act (hereinafter referred to as “the holder of an authorisation”), unless individual regulations establish otherwise.⁴

1. Decree of the Minister of Foreign Affairs No. 61/1974 Zb. on the Nuclear Weapons Non-Proliferation Agreement.

Decree of the Minister of Foreign Affairs No. 62/1974 Zb. on the Agreement prohibiting the location of nuclear weapons and other weapons of mass destruction on or beneath the sea or ocean bed.

2. Act of the National Council of the Slovak Republic No. 272/1994 Z.z. on protection of human health as amended by the latest regulations.

Decree of the Ministry of Health of the Slovak Socialist Republic No. 65/1972 Zb. on protection of health against ionising radiation.

3. Commercial Code as amended by the latest regulations.

Act No. 455/1991 Zb. on commercial and artisan enterprises (the Trade and Artisans Act) as amended by the latest regulations.

4. For example Section 3 to 8 of Act No. 70/1998 Z.z. on power generation and on amendment to Act No. 455/1991 Zb. on trading ventures (the Trade Act) as amended by the latest regulations; Section 15 a) of the Act of the National Council of the Slovak Republic No. 272/1994 Z.z. as amended by the latest regulations.

- (2) The Authority shall issue authorisations for:
- a) the siting, design, construction, importation, commissioning, operation and reconstruction of nuclear installations [Section 13] and their decommissioning;
 - b) the planning, design, construction, manufacture, importation, assembly, testing, maintenance, repair and reconstruction of selected equipment;
 - c) the procurement and use of nuclear materials apart from their transportation;
 - d) the management of radioactive waste and spent nuclear fuel;
 - e) the professional training of nuclear installation employees [Section 2(g) and Section 21 (3)] at specialised institutions.
- (3) The permission of the Authority shall be required for the issue of a licence or other permit to use nuclear energy in accordance with specific regulations.⁴ Sections 5 to 8 relate accordingly to the issue of permission. In this case an authorisation as in (2) above is not required.
- (4) An authorisation shall not be issued to foreign commercial entities as suppliers of nuclear installations, selected equipment or services. In such a case it is the receiver of such equipment and services within the territory of the Slovak Republic who shall be the holder of an authorisation to act as in (2) above or the holder of a licence or permission issued in accordance with specific regulations.⁴
- (5) Legal persons and natural persons to whom a licence or other permission has been issued in accordance with specific regulations⁴ [see paragraph (3) above] shall be considered as holders of an authorisation under the terms of this Act.

Section 5

Conditions for issue of authorisation

- (1) The conditions for the issue of an authorisation [Section 4(2)] to a legal person are:
- a) registered head office within the Slovak Republic;
 - b) capacity to take legal actions, no blemish on reputation and reliability of statutory body or its members and special qualification of statutory body or of at least one member of the statutory body;
 - c) demonstration of special qualification of employees carrying out activities under the terms of this Act.
- (2) The conditions for the issue of an authorisation [Section 4(2)] to a natural person are:
- a) permanent residence or long-term residence within the Slovak Republic;

4. *See footnote No. 4*

- b) professional competence;
 - c) capacity to take legal actions;
 - d) unblemished reputation and reliability;
 - e) physical fitness.
- (3) A condition for the issue of an authorisation to a legal person or a natural person is demonstration of the financial, technical, material and organisational preconditions including quality systems for the proper performance of activities in relevant areas.
- (4) A person of unblemished reputation under the terms of this Act shall be a person who has never been legally convicted of a criminal act involving negligence where the facts of the case were associated with the subject of the authorisation, or of a criminal act committed intentionally.
- (5) A reliable person under the terms of this Act shall not be a person who:
- a) demonstrably indulges in excessive consumption of alcoholic drinks;⁵
 - b) uses addictive substances, use of which may cause persons to become dependent upon them.⁵
- (6) Professional competence as in 1(b) and 2(b) above shall mean a completed course of university education in an appropriate area and three years practice in that area.

Section 6

Application for the issue of an authorisation

- (1) A written application for the issue of an authorisation [Section 4(2)] should state:
- a) for a legal person, the name, registered office and identification number;
 - b) for a natural person, the full name, citizen's card-index number and place of permanent or long-term residence,
 - c) for a legal person and a natural person:
 - 1. the subject, type, scope and site of the business or other activity;
 - 2. the period for which the applicant wishes to carry out the commercial activity.

5. Act of the National Council of the Slovak Republic No. 219/1996 Z.z. on protection against abuse of alcoholic drinks and on the organisation and operation of anti-alcohol remand premises.

- (2) To an application as in paragraph (1) above should be attached:
- a) for a legal person:
 - 1. extract from the Commercial Register, if the legal person is a commercial entity;
 - 2. the statutes of the company or the charter in the case of a newly-founded commercial entity;
 - 3. extract from the criminal records in respect of the statutory body or its members;
 - 4. proof of special qualifications of the statutory body or at least one member of the statutory body;
 - 5. proof of special qualifications of employees.
 - b) for a natural person:
 - 1. affidavit of permanent or long-term residence within the Slovak Republic;
 - 2. extract from the criminal records;
 - 3. proof of special qualifications;
 - 4. medical judgement of capable health.
 - c) for a legal person or a natural person, evidence of the financial, technical, material and organisational preconditions including quality systems for the proper performance of the activities for which the person is applying for an authorisation.

Section 7

Issue of authorisation

- (1) The Authority shall make a decision concerning the issue of an authorisation [Section 4 (2)] within 60 days of receipt of a written application, provided the application meets the conditions set by this Act.
- (2) In the decision concerning the issue of an authorisation, the following shall be given:
 - a) for a legal person, the person's name, registered head office, site of the commercial activity or other activity and identification number;
 - b) for a natural person, the person's full name, citizen's card-index number, place of permanent or long-term residence and the site of the commercial activity or other activity;
 - c) for a legal person and a natural person, the subject, type and scope of the commercial activity or other activity, the date of commencement of the commercial activity or other activity, and the period for which the authorisation is issued.

- (3) Only the person specified in the authorisation can perform the activities specified in it.

Section 8

Termination and limitation of authorisation

- (1) An authorisation shall be terminated on expiry of the period for which the authorisation was issued, by a decision of the Authority to withdraw the authorisation, or by the holder of the authorisation being struck off the commercial register, or, in the case of a natural person, by the death of that person or by that person being declared dead.
- (2) An authorisation may be withdrawn or restricted by the Authority if:
- a) the holder of the authorisation ceases to meet the conditions required under the Act and pursuant to which the authorisation was issued;
 - b) the holder of the authorisation, while carrying out activities, in some significant way threatens the life or health of persons⁶ or causes damage to the environment;⁷
 - c) the Authority ascertains that the authorisation was issued on the basis of incorrect or incomplete information.

Chapter Two

NUCLEAR MATERIALS

Section 9

Nuclear materials, special materials and equipment

- (1) Nuclear materials are:
- a) source materials: natural uranium, depleted uranium, thorium and any of these materials in the form of metal, alloy, chemical compounds or concentrates and materials containing one or more of the aforementioned substances in a minimum quantity of 0.005 kg;
 - b) special fissionable materials: plutonium-239, 241, uranium-233, uranium enriched in 235 or 233 isotopes and materials containing one or more of the aforementioned isotopes in a minimum quantity of 0.005 g.
- (2) Uranium and thorium during mining and the processing of uranium and thorium ore shall not be considered as nuclear materials under the terms of this Act.

6. Act of the National Council of the Slovak Republic No. 272/1994 Z.z. as amended by the latest regulations.

7. Act No. 17/1992 Zb. on the natural environment as amended by the latest regulations.

- (3) Special materials and equipment are:
- a) materials and equipment specially developed or manufactured for use in the production and processing of nuclear materials;
 - b) materials and equipment for general use which may be used in the production and processing of nuclear materials, nuclear weapons or nuclear explosive devices;
 - c) information and technological know-how⁸ required to produce and use materials and equipment as specified in subsections (a) and (b) above.
- (4) A list of special materials and equipment shall be established in a generally-binding legal regulation to be issued by the Authority.
- (5) In the event of doubts as to whether a particular substance is a nuclear material or as to whether a certain material or piece of equipment is a special material or special equipment, a decision shall be taken by the Authority.

Section 10

Procurement and use of nuclear materials

- (1) Nuclear materials may only be procured and used on the basis of a permit issued by the Authority.
- (2) The Authority may issue a permit for any period of time, but not to exceed a maximum period of ten years.
- (3) Use of a nuclear material in a way such that it is consumed or diluted so that it cannot be restored or in a way that causes its form or state to change fundamentally, apart from use of nuclear fuel in a reactor, is only permissible with a prior permit from the Authority.
- (4) A permit from the Authority is required for the import or export of nuclear materials or special materials or equipment under specific regulations.⁹
- (5) If a person who has procured or is using nuclear materials does not adhere to his obligations arising out of the permit issued and does not eliminate any breach within a period as stipulated by the Authority, the Authority may take measures to ensure that these nuclear materials be transferred, at the expense of the person concerned, to another person who has an authorisation.

8. Section 2 of Act No. 547/1990 Zb. on the handling of certain types of goods and processes and their control.

9. Act No. 547/1990 Zb.

Decree of the Federal Ministry of Foreign Trade No. 50/1992 Zb., which implements Act No. 547/1990 Zb. on the handling of certain types of goods and processes and their control as amended by the latest regulations.

Decree of the Economics Ministry of the Slovak Republic No. 15/1998 Z.z on conditions for the issue of an official permit for the import and export of goods and services.

- (6) In the case of nuclear materials where the owner is not known or which were procured in violation of this Act, the Authority shall make a decision specifying the holder of an authorisation to take the essential steps. Reimbursement of the consequent expenses to the holder of the authorisation shall be made appropriately in accordance with Section 17(10).

Section 11

Transportation of nuclear materials

- (1) Nuclear materials may only be transported on the basis of a transportation permit issued by the Authority to the consignor or carrier.
- (2) Transportation of nuclear material may only be carried out in transport equipment of types approved by the Authority.
- (3) A permit to transport nuclear material shall be issued for each transportation. For transportation of nuclear material of the same type by the same carrier, a permit may be issued for transportation of nuclear material for a longer period of time, but not for a period longer than one year.
- (4) Details of how nuclear materials should be transported shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 12

Accounting and control of nuclear materials

- (1) Legal persons and natural persons who produce, process, store or procure and use nuclear materials are obliged to:
- a) keep accounting and operational records of these materials and submit to the Authority reports of accounting records;
 - b) appoint an employee with a special qualification and his deputy to keep accounting and operational records of control of nuclear materials and notify the Authority of their names;
 - c) notify the relevant Police body, the Ministry of Health of the Slovak Republic and the Authority without delay of any loss or misappropriation of nuclear materials;
 - d) inform the Authority of any breach of its own measures of surveillance and control, or of those of an international organisation which has signed an agreement with the Slovak Republic on safeguards for nuclear materials subject to which nuclear materials are controlled, and of any accident which led to or could have led to violation of the integrity of nuclear material, as soon as such a fact has been ascertained;
 - e) enable access, in the presence of inspectors from the Authority, for inspectors from the international organisations, and to provide the necessary support during the performance of control activities by inspectors of international organisations who have signed an agreement on nuclear materials safeguards with the Slovak Republic.

- (2) Details of how accounting and operational records should be kept, of how control activities should be performed, on the drafting and submission of reports on accounting records and on the method of notification and communication of incidents relating to nuclear materials shall be established by a generally-binding legal regulation to be issued by the Authority.

Chapter Three

NUCLEAR INSTALLATIONS, MANAGEMENT OF RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL

Section 13

Nuclear installation

- (1) Nuclear installation shall mean:
- a) installations and facilities incorporating a nuclear reactor utilising a controlled fission chain reaction;
 - b) installations and facilities for the production, treatment and storage of nuclear materials;
 - c) installations and facilities for the disposal of spent nuclear fuel;
 - d) installations and facilities for the processing, conditioning, storage and disposal of radioactive waste.
- (2) Not included in the category of nuclear installations are containers and coverings in which nuclear material is used as protective material for radioactive sources, nor spaces in which such containers or coverings are kept, nor institutional radioactive waste stores which are part of a workplace with ionising radiation sources as permitted under specific regulations.² Where doubts arise as to whether a particular installation is a nuclear installation, the Authority shall make a decision.

Section 14

Construction of nuclear installations

- (1) The construction of nuclear installations falls under specific regulations¹⁰ unless otherwise stipulated in the present Act.
- (2) The construction of a nuclear installation may only be carried out by a holder of an authorisation [Section 4] (hereinafter referred to as “the builder”) on the basis of a permission granted by the Authority.

2. *See footnote No. 2.*

10. Act No. 50/1976 Zb. on territorial planning and construction procedures (Construction Act) as amended by the latest regulations.

- (3) The Authority shall decide on the issue of a permission to build a nuclear installation, on the basis of a written application from the builder supplemented by the following safety documentation:
- a) safety analysis report;
 - b) design specifications;
 - c) provisional plan for the management of radioactive waste and, if appropriate, of spent nuclear fuel;
 - d) conceptual plan for decommissioning of the nuclear installation;
 - e) classification of selected equipment by safety classes;
 - f) preliminary physical protection plan;
 - g) quality assurance programme for construction;
 - h) preliminary on-site emergency plan;
 - i) proposal of limits and conditions for safe operation;
 - j) preliminary programme for pre-operational inspection of the nuclear installation;
 - k) preliminary radiation monitoring programme of the environment in the vicinity of the nuclear installation.
- (4) A permission under paragraph (2) above is at the same time also a permission as required by the specific regulations.¹¹
- (5) The Authority may make the permission for construction of the nuclear installation subject to the fulfilment of conditions relating to nuclear safety. These conditions may be altered by the Authority if the nuclear-safety-related circumstances for which the permission was issued change, or at the request of the builder.
- (6) Concerning the environmental impact of a nuclear installation, under a specific regulation,¹² the Authority shall issue a statement of its intent based on an application from the builder supplemented by the documentation stipulated in paragraph (3) (a)-(d) above.

11. Section 126(3) of Act No. 50/1975 Zb. as amended by Act No. 229/1997 Z.z.

12. Act of the National Council of the Slovak Republic No. 127/1994 Z.z. on environmental impact assessment.

- (7) For the establishment of nuclear installations with particular impact with respect to the Earth's crust (for example, underground repositories for radioactive waste or spent nuclear fuel repositories), specific regulations¹³ shall apply unless this Act stipulates otherwise, and the builder shall submit to the local mines inspectorate the documentation required by the specific regulations and also the permission issued by the Authority under (2) above.
- (8) The scope and method of preparation of documentation [paragraph (3) above] shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 15

Commissioning and operation of nuclear installations

- (1) A holder of an authorisation [Section 4] may commission and operate a nuclear installation on the basis of the permission issued by the Authority (hereinafter referred to as “the operator”).
- (2) A permission to commission a nuclear installation shall be issued by the Authority on submission of an application by the operator supplemented by safety documentation as follows:
- a) for approval:
 - 1. limits and conditions of safe operation;
 - 2. nuclear installation commissioning programme, split into stages;
 - 3. quality assurance programme;
 - 4. on-site emergency plan;
 - b) for review:
 - 1. pre-operational safety analysis report;
 - 2. plan of physical protection;
 - 3. radioactive waste and spent nuclear fuel management system;
 - 4. conceptual plan for decommissioning of nuclear installation;
 - 5. programme of in-service inspection of equipment (components and systems);

13. Section 34(1)(b) of Act No. 44/1988 Zb. on protection and utilisation of mineral resources (the Mining Act) as amended by Act of the Slovak National Council No. 498/1991 Zb.

Section 11 of Act of the Slovak National Council No. 51/1988 Zb. on mining activities, explosives and the competent authorities governing mining activities as amended by the latest regulations.

Section 5(c), Section 6(1) and (2)(e) and Annexes Nos. 9 and 10 to Decree of the Slovak Mines Authority [*Slovenský banský úrad*] No. 89/1988 Zb. on rational utilisation of exclusive deposits, on permits for and registration of mining activities and registration of activities carried out with mining as amended by Decree of the Slovak Mines Authority No. 16/1992 Zb.

6. selected operating procedures;
 7. test programmes for equipment and systems important to nuclear safety;
 8. evidence of special qualification of employees;
 9. evidence of readiness of nuclear installation for start-up;
 10. evidence of insurance or other financial cover [Section 30];
 11. programme for radiation monitoring of the environment in the vicinity of the nuclear installation.
- (3) A permission to operate the nuclear installation shall be issued by the Authority on submission of an application by the operator supplemented by a report evaluating the successful fulfilment of commissioning stages of the nuclear installation.
 - (4) The Authority may make the permission for the commissioning or operation of a nuclear installation subject to the fulfilment of conditions relating to nuclear safety. These conditions may be altered by the Authority if the circumstances relating to nuclear safety, physical protection or emergency planning for which the permission was issued change, or at the request of the operator.
 - (5) Before the commencement of and during commissioning of a nuclear installation and during its operation, the operator shall adhere to the assessed or approved documentation [paragraph (2) above]. In the event that it becomes necessary to deviate from this documentation, this may only be done with a prior permission from the Authority.
 - (6) The scope and method of preparation of the safety documentation [paragraph (2) above] and the report [paragraph (3) above] shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 16

Extension of operational lifetime of nuclear installation

- (1) The Authority may extend the validity of a permission issued for the operation of a nuclear installation on the basis of assessment of the current state of the installation and on the basis of supplementary safety documentation.²
- (2) Supplementary safety documentation shall supplement the safety documentation [Section 15 (2)] with an application to extend the period of operation.
- (3) Details of supplementary safety documentation to be submitted for extension of the operational lifetime of a nuclear installation shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 17

2. *See footnote No. 2.*

Radioactive waste management

- (1) Radioactive waste are non-useable materials in gaseous, liquid or solid form which may not be released into the environment because of the content of radionuclides in them or because of contamination by radionuclides.
- (2) Radioactive waste management shall mean the collection, segregation, storage, treatment, conditioning, handling, transportation and disposal of radioactive waste from nuclear installations and conditioning for disposal, transportation and disposal of institutional radioactive waste.
- (3) The specific regulation on waste¹⁴ does not apply to radioactive waste management.
- (4) Non-useable materials from nuclear installations containing radionuclides, which are not radioactive waste and to which the specific regulation does not apply, may only be released into the environment on the basis of a permit from the Authority.
- (5) Conditioning of radioactive waste means actions leading to the creation of a form suitable for safe handling of the waste during storage and disposal.
- (6) The generator of radioactive waste shall be responsible for the safe management of this waste from its generation until it is transferred to a radioactive waste repository, unless otherwise specified by the Authority.
- (7) A holder of an authorisation [Section 4] may engage in radioactive waste management, but only on the basis of a permit from the Authority.
- (8) Costs associated with radioactive waste management from generation to disposal, including monitoring of radioactive waste repositories after they have been sealed and the relevant research and development work, shall be reimbursed by the generator of the waste.
- (9) In the case of radioactive waste where the generator is not known, or where the generator is not capable of managing radioactive waste, the Authority shall appoint a legal person or a natural person who has a radioactive waste management authorisation. In its decision the Authority shall define the scope of management of this radioactive waste and the method of reimbursement of costs.
- (10) Costs of management of radioactive waste where the generator is not known shall be reimbursed by the State Fund for Decommissioning of Nuclear Power Plants and Management of Spent Nuclear Fuel and Radioactive Waste.¹⁵ In the event that the generator of the radioactive waste is subsequently identified, he shall reimburse the costs arising from management of the radioactive waste to this Fund.

14. Act No. 238/1991 Zb. on waste as amended by Act of the National Council of the Slovak Republic No. 255/1993 Z.z.

15. Act of the National Council of the Slovak Republic No. 254/1994 Z.z. on the State Fund for Decommissioning Nuclear Power Plants and Management of Spent Nuclear Fuel and Radioactive Waste.

- (11) All actions during radioactive waste management shall be directed towards safe disposal of this waste.
- (12) Safe disposal of radioactive waste shall be the responsibility of a legal person appointed or entrusted for this purpose by the Ministry of Economy of the Slovak Republic on the terms established in this Act and by the specific regulations.¹⁵ A radioactive waste repository may only be sited on land owned by the State.
- (13) The generation of radioactive waste shall be so managed by its generator, using technical and organisational measures, that its quantity and activity are kept to the lowest reasonably achievable level.
- (14) Importation of radioactive waste into the territory of the Slovak Republic is prohibited, except for the return of radioactive waste which arose during reprocessing and conditioning of radioactive materials exported for this purpose, provided the re-importation of this waste has received a permission in advance from the Authority.
- (15) The stipulations of Section 23 shall apply mutatis mutandis to the physical protection of radioactive waste during its management.
- (16) The stipulations of Section 11 shall apply mutatis mutandis to the transportation of radioactive waste.
- (17) Details of radioactive waste management, including classification into classes and storage conditions, shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 18

Management of spent nuclear fuel

- (1) *Spent nuclear fuel* shall mean irradiated nuclear fuel withdrawn from a nuclear reactor.
- (2) *Management of spent nuclear fuel* shall mean storage, reprocessing, handling, transportation and disposal of spent nuclear fuel in a spent nuclear fuel repository.
- (3) The legal person or natural person who produced the spent nuclear fuel shall be responsible for management of this fuel until its transfer to a spent nuclear fuel repository.
- (4) The stipulations of Section 17 shall apply mutatis mutandis to the management of spent nuclear fuel.
- (5) Details of spent nuclear fuel management, especially its storage and disposal, shall be established by a generally-binding legal regulation to be issued by the Authority.

15. *See footnote No. 15.*

Section 19

Decommissioning of nuclear installations

- (1) Decommissioning of nuclear installations shall mean activities following its final shut-down with the aim of releasing the site of the nuclear installation after dismantling or to use the installation for other purposes.
- (2) The operator shall be responsible for decommissioning of a nuclear installation. The operator shall ensure that means for this purpose are available to reimburse the costs associated with decommissioning of the nuclear installation.
- (3) The operator shall submit for review an updated conceptual plan for decommissioning together with an environmental impact assessment, prior to final shut-down, as a basis for the issue of a statement by the Authority in accordance with the specific regulations.¹²
- (4) Decommissioning of a nuclear installation may only commence on the basis of a permit from the Authority. A permit shall be issued on the basis of an application from the operator supplemented by documentation on nuclear safety during decommissioning. In the case of the nuclear installation being decommissioned in several steps, a permit from the Authority shall be required for each step, and the Authority may make the permit subject to the fulfilment of conditions.
- (5) On the basis of consideration of the final documentation on decommissioning submitted by the operator, the Authority shall issue a decision on exemption of the nuclear installation from the effect of this Act or a permit for a change of purpose through reclassification as a nuclear installation for a different purpose.
- (6) Paragraphs (1) to (5) above do not relate to radioactive waste or spent nuclear fuel repositories.
- (7) Details of documentation as specified in (3), (4) and (5) above shall be established by a generally-binding legal regulation to be issued by the Authority.

Chapter Four

NUCLEAR SAFETY AND QUALITY ASSURANCE

Section 20

Nuclear safety

- (1) Under the terms of this Act, *nuclear safety* shall mean the status and ability of a nuclear installation and its staff to prevent the uncontrolled development of a fission chain reaction or the inadmissible release of radioactive substances or ionising radiation into the workplace

12. *See footnote No. 12.*

environment or the natural environment and to limit the consequences of accidents and emergency situations.

- (2) The operator shall be responsible for nuclear safety. The operator shall ensure that there are adequate financial and human resources to ensure nuclear safety including essential engineering and technical support activities in all areas relating to the safety of the nuclear installation.
- (3) The operator shall determine and organise the responsibility and authority of individual bodies so as to achieve effective management and safe operation of nuclear installations in accordance with safety requirements.
- (4) The operator shall ensure that the mental and physiological capacity of people is taken into account in the performance of nuclear-safety-related work activities.
- (5) Any changes occurring during the construction, operation or decommissioning of a nuclear installation which impact on nuclear safety shall be submitted by the builder or the operator to the Authority for approval.
- (6) During the construction and commissioning of a nuclear installation and throughout its period of operation, including provisions for decommissioning it, the builder and operator shall perform comprehensive and systematic evaluation of nuclear safety and take steps to eliminate any deficiencies identified. During operation, the evaluation is performed at intervals and with a scope established by generally-binding legal regulations issued by the Authority.
- (7) The operator shall ensure that exposure of employees and other persons to ionising radiation caused by the operation of a nuclear installation is kept below the set limits during all operational states and activities, and at the lowest reasonably achievable level.²
- (8) An operator shall make public information on nuclear safety that is not a subject of State secrecy, official secrecy or commercial secrecy.
- (9) The operator shall issue procedures concerning the performance of operational activities, especially for the operation, maintenance, surveillance and testing of selected equipment. These procedures shall be in line with the approved limits and conditions for safe operation, and with the approved quality assurance programmes. In case of need, the operator shall update and complete these procedures. The operator shall draw up a work programme for the performance of safety-related activities which are not covered by procedural rules. The procedure for approval of a work programme shall be submitted by the operator for review by the Authority.
- (10) Nuclear safety requirements for nuclear installations shall be established by a generally-binding legal regulation to be issued by the Authority.

2. *See footnote No. 2.*

Section 21

Professional qualification

- (1) Professional qualification is the sum of professional knowledge, practical experience and knowledge of generally-binding legal regulations and procedures issued by an operational organisation which are needed by an employee for performance of his activities.
- (2) The particular professional qualification of a selected employee is the sum of professional knowledge, practical experience, knowledge of regulations [paragraph (1)] and abilities which, from the nuclear safety point of view, provide a basis for ensuring safe operation of the nuclear installation, averting the uncontrolled development of fission chain reactions or unauthorised release of radioactive substances or ionising radiation into the workplace environment or the environment and limiting the consequences of incidents and accidents.
- (3) The only persons who may carry out work activities at nuclear installations which have an impact on nuclear safety are employees with a professional qualification whose professional qualification has been tested by a commission set up by a legal person or a natural person who is authorised to perform professional training of employees of nuclear installations at specialised institutions (hereinafter referred to as “the specialised institution”) [Section 4(2)e)] and has issued to the employees a certificate of professional qualification.
- (4) The only persons who may carry out work activities which have a direct impact on nuclear safety during the operation of a nuclear installation are selected employees whose particular professional qualification has been verified by the Authority [Section 2 g)] and who have been issued a certificate of particular professional qualification by the Authority.
- (5) On the basis of a proposal by a specialised institution, the Authority approves the educational programmes and the method of training of nuclear installation employees including the technical equipment to be used in this training.
- (6) Employees at a specialised institution who carry out professional theoretical and practical training of selected employees may only perform this function on the basis of an authorisation issued by the Authority.
- (7) Details of verification of professional qualifications of employees at nuclear installations, the activities which only selected employees may perform, details of verification of particular professional qualification and the issue of certificates of particular professional qualification to selected employees and the issue of authorisations to specialised institutions shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 22

Quality assurance

- (1) To ensure quality of nuclear installations and activities at all stages during the life of a nuclear installation, from siting through to decommissioning of the nuclear installation, the holder of an authorisation [Section 4] shall set up an appropriate organisational structure, procedures and sources to define and adhere to quality requirements for nuclear installations and activities (hereinafter referred to as “quality systems”).

- (2) During the stage of design and construction of a nuclear installation, the builder shall be responsible for defining and adhering to quality requirements for nuclear installations and activities, including provision of equipment and services, while the operator shall be responsible during the stages of operation and decommissioning of the installation.
- (3) Quality requirements shall be appropriate to the importance of the installation and to the importance of the activity in terms of nuclear safety.
- (4) Quality systems and quality requirements for nuclear installations and activities as in paragraph (1) above shall be subject to approval and inspection by the Authority.
- (5) Requirements of quality systems of holders of an authorisation [Section 4], the procedure and scope of their approval, and also the categorisation of selected equipment important to nuclear safety, shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 23

Physical protection of nuclear installations and nuclear materials

- (1) *Physical protection of nuclear installations or nuclear materials* shall mean a system of technical and organisational measures, the aim of which is to prevent unauthorised activities with nuclear installations or nuclear materials, especially their misuse or intentional damage.
- (2) The operator of a nuclear installation shall be responsible for its physical protection.
- (3) Natural persons who are present at a nuclear installation with the permission of the operator, or legal persons who perform activities relating to the operation of a nuclear installation, shall observe the requirements of physical protection of nuclear installations as set out by the operator.
- (4) A consignor or a carrier when nuclear materials are being transported, and legal or natural persons who use nuclear materials, shall be responsible for the provision of physical protection of the nuclear materials during these activities.
- (5) Legal persons and natural persons who take part in the transportation or utilisation of nuclear materials shall observe physical protection requirements set by the consignor or user of the nuclear materials.
- (6) In cases of unauthorised access to a nuclear installation or unauthorised handling of nuclear materials, assistance shall be rendered within the limits of their competence by the Police and the Railway Police of the Slovak Republic at the request of the builder, operator, carrier or consignor or user of the nuclear materials.
- (7) When unauthorised actions have been perpetrated with nuclear installations or nuclear materials, or there is a threat of such actions, the operator, consignor or user of the nuclear materials shall take the necessary measures and notify the relevant department of the Police and the Authority without delay.

- (8) Details of how physical protection is to be provided, including classification of nuclear installations or nuclear materials into categories for the provision of physical protection, shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 24

Events at nuclear installations and accidents during transportation of nuclear materials

- (1) Under the terms of this Act, an event at a nuclear installation shall mean an event in which there is a risk to or an infringement of nuclear safety at the nuclear installation during its commissioning, operation or decommissioning.
- (2) Events at nuclear installations are divided into:
- a) a malfunction causing an infringement of nuclear safety requirements for the nuclear installation, or identification of deficiencies during operation, maintenance or inspection of the nuclear installation which could have led to the occurrence of an accident or emergency situation;
 - b) an accident which caused minor damage to a nuclear installation or harm to the health of employees, but which led to the automatic shutdown of the nuclear installation, enforced shutdown of the nuclear installation for maintenance, infringement of limits and conditions, release of radioactive materials on the premises and on the site of the nuclear installation or contamination or irradiation of employees;
 - c) an emergency situation in which the nuclear installation was seriously damaged or there was or might have been serious harm to health due to the impact of ionising radiation or a release of radioactive materials into the environment.
- (3) A transport accident shall be understood as an emergency situation during transport if, during transportation of a nuclear material, radioactive waste or spent nuclear fuel, an exceptional event occurred which caused harm to health or gave rise to a threat to the health of persons due to impact of ionising radiation or there was damage to property as a result of a release of radioactive materials into the environment.
- (4) An operator shall:
- a) take preventive and corrective measures in a timely manner and eliminate without delay all situations which could pose a threat to nuclear safety or to human life or health;
 - b) give notification of events at nuclear installations to the Authority, and, in the case of accidents or emergency situations, also to the Ministry of the Interior of the Slovak Republic, identify the causes of such events and take corrective action;
 - c) based on the identified causes of occurrence of nuclear events, take steps in the operation of the nuclear installation to prevent their recurrence;
 - d) inform the public of the occurrence of accidents and emergency situations.

- (5) Notification of an accident during transportation [paragraph (3) above] shall be made by the consignor to the Authority, and also to the Ministry of the Interior of the Slovak Republic and the Ministry of Transport, Post and Telecommunications of the Slovak Republic, and he shall inform the public.
- (6) The Authority shall identify the causes and circumstances of incidents, accidents and emergency situations. This does not preclude the adoption of specific regulations on investigation of exceptional incidents.¹⁶
- (7) More detailed arrangements to categorise events and for methods of their notification and investigation of their causes and methods of informing the public of accidents or emergency situations and transportation accidents shall be established by a generally-binding legal regulation to be issued by the Authority.

Section 25

Emergency planning

- (1) Emergency planning shall mean a set of measures to identify and bring under control accidents or emergency situations at nuclear installations and to identify and bring under control releases of radioactive substances into the environment during the use and transportation of nuclear materials or radioactive waste.
- (2) An emergency plan shall mean documentation, the content of which is a set of technical and organisational measures required to bring events under control as in paragraph (1) above or to mitigate their consequences.
- (3) Emergency plans are divided as follows:
 - a) emergency plan for nuclear installation (hereinafter referred to as an “on-site emergency plan”), which contains planned measures to be taken on the site of the nuclear installation, linked to a plan for protection of the public;¹⁷
 - b) a plan for protection of the public, which contains measures to protect the public, health, property and the environment in the hazard area¹⁸ in the event of a risk of a release of radioactive substances or their release into the vicinity of a nuclear installation, and also a tie-in to the on-site emergency plan;

16. Sections 24 and 28 of the Act of the Slovak National Council No. 126/1985 Zb. on fire protection as amended by the latest regulations.

Decree of the Slovak Work Safety Authority and the Slovak Mines Authority No. 111/1975 Zb. on recording and keeping accounts of injuries at work and on notification of accidents at work and breakdowns of technical equipment, as amended by the Decree of the Slovak Work Safety Authority and the Slovak Mines Authority No. 483/1990 Zb.

17. Section 13(1)(j), Section 14(1)(b) and Section 15(1)(a) of the Act of the National Council of the Slovak Republic No. 42/1994 Z.z. on civil defence for the public as amended by the latest regulations.

18. Section 3(3) and (4) of Decree of the Ministry of the Interior of the Slovak Republic No. 300/1996 Z.z on provision of protection for the public during the production, transportation, storage and handling of harmful and dangerous substances.

- c) emergency transport procedure, which contains measures to cover a risk of a release of radioactive substances or their release into the vicinity in relation to the transportation of nuclear materials or radioactive waste.
- (4) An operator shall take such measures and steps as will create preconditions for the prevention, overcoming or mitigation of the consequences of accidents. The operator shall inform the public of such steps and measures.
- (5) The operator shall be responsible for preparation of an on-site emergency plan and for the obligatory principles for the preparation of an off-site emergency plan.
- (6) The local authorities shall be responsible for the preparation of a plan for protection of the public within regions, districts, and communities.¹⁷ The Ministry of the Interior of the Slovak Republic shall be responsible for co-ordination.¹⁹
- (7) Emergency transport procedures shall be drawn up by the carrier on the basis of obligatory principles from the consignor.
- (8) State authorities, communities, legal persons and natural persons involved in emergency planning shall work together in drawing up emergency plans within the limits of their competence.
- (9) An on-site emergency plan shall be submitted by an operator six months prior to planned commencement of commissioning of a nuclear installation for approval by the Authority and for review by the Ministry of the Interior of the Slovak Republic.
- (10) Off-site emergency plans of districts in an area with a hazard¹⁸ arising out of the activities of a nuclear installation shall be submitted by the district authorities six months prior to planned commencement of commissioning of the nuclear installation for consideration by the State authorities affected.
- (11) Emergency transport procedures shall be submitted by the carrier for consideration by the Authority and the State authorities affected two months prior to the transportation taking place.
- (12) Emergency plans and emergency transport procedures shall be approved as follows:
- a) on-site emergency plans shall be approved by the Authority;
 - b) plans for the protection of the public shall be approved by the Ministry of the Interior of the Slovak Republic;
 - c) emergency transport procedures shall be approved by the Ministry of Transport, Post and Telecommunications of the Slovak Republic.

17. *See footnote No. 17.*

19. Section 12(1)(d) of the Act of the National Council of the Slovak Republic No. 42/1994 Z.z.

18. *See footnote No. 18.*

- (13) Approved emergency plans shall be binding on all legal and natural persons participating in emergency planning.
- (14) A nuclear installation may not be commissioned without approved emergency plans and nuclear materials or radioactive waste may not be transported without an approved emergency transport procedure. Prior to commissioning of a nuclear installation, emergency plans shall be practised, and during the operation of nuclear installations certain parts of emergency plans shall be practised and evaluated at set intervals.
- (15) An operator shall familiarise employees of a nuclear installation with emergency plans and train employees assigned to perform given activities under the emergency plan. Other persons present at a nuclear installation shall be taught by the operator what their duties are in the case of occurrence of an accident.
- (16) Concerned bodies of public administration, communities and also legal and natural persons shall take part to the extent and in the manner stipulated by the off-site emergency plan in practising and implementing protective measures and eliminating the consequences of an accident.
- (17) The Authority shall create the necessary technical means to evaluate the course and consequences of incidents and accidents at nuclear installations which are significant from the aspect of their possible impact on the surroundings, to prepare and implement protective steps.
- (18) Operators and State authorities shall make available to the Authority data required to evaluate accidents and emergency situations and to forecast their development (technological data from the nuclear installation, radiation monitoring data, meteorological data and other data as requested by the Authority).
- (19) The scope, criteria and procedure for the preparation of emergency plans, measures and procedures [paragraph (4)], the method of informing the public, and determination of the hazard area¹⁸ around a nuclear installation, including the frequency of emergency exercises, shall be established by generally-binding legal regulations to be issued by the Authority.

18. *See footnote No. 18.*

Chapter Five

NUCLEAR DAMAGE AND COMPENSATION FOR SUCH DAMAGE

Section 26

Nuclear damage

- (1) Nuclear damage is detriment to property, loss of life or harm to health caused by an accident [Section 24(2)(c)] or by an accident during transportation [Section 24(3)].
- (2) Compensation for damage shall be covered by general regulations on liability for damage,²⁰ except as otherwise stipulated in this Act or an international agreement by which the Slovak Republic is bound.
- (3) Nuclear damage shall also be damage that has arisen through the expenditure of costs on measures necessary to avert or reduce irradiation or to restore the natural environment to its previous or an equivalent state, should such measures have been instigated as a result of a nuclear incident and should the nature of the circumstances permit them.
- (4) If the damage was caused simultaneously by a nuclear incident and another event not dependent on the nuclear incident, the nuclear damage shall be that part of the damage which was not demonstrably caused by the other event. The scope of the damage which cannot be categorised as nuclear damage shall be demonstrated by the operator.

Section 27

Liability for nuclear damage

- (1) The person liable for nuclear damage caused by a nuclear incident shall be the operator.
- (2) The person liable for nuclear damage caused during the transportation of nuclear materials or radioactive waste shall be the carrier who applied for recognition as operator of a nuclear installation and, with the consent of the operator concerned, was recognised by the Authority as the operator.
- (3) If an operator operates a number of installations located on a territory for which a common on-site emergency plan has been approved, they shall be taken as a single nuclear installation for the purposes of liability for nuclear damage. More than one nuclear installation on one site, where the operators are different holders of authorisations [Section 4], may not, however, be taken as a single installation, even if these installations are technically linked together.

20. For example Sections 415 to 450 of the Civil Code as amended by the latest regulations.

Section 28

Limitation of liability

- (1) An operator shall be liable for nuclear damage up to a total of two billion Slovak crowns.
- (2) Limitation of liability as in paragraph (1) above shall not include interest or costs acknowledged by a court in proceedings related to compensation for nuclear damage.

Section 29

Meeting of claims for compensation for nuclear damage

In meeting claims for compensation for nuclear damage, an operator shall proceed as follows:

Group I:

Justified claims made within 12 months of the occurrence of a nuclear incident shall be met within 60 days of the date the claim was made. Seventy percent of the sum specified in Section 28, paragraph 1 may be used to meet claims for compensation for damage. If the damage compensation claims exceed the sum that may be utilised for this group, compensation claims for damage to health and compensation for cases of death shall be met in full and other claims proportionately.

Group II:

Other claims made between 12 and 36 months after the occurrence of a nuclear incident shall be met within 60 days of the claim, and include claims which were met proportionately in Group I.

Group III:

When a period of 36 months has elapsed since the occurrence of a nuclear incident, individual claims for compensation for nuclear damage shall be met within 90 days of the claim, but only until the sum specified in Section 28, paragraph (1) is exhausted. These include claims which were met proportionately in Groups I and II.

Section 30

Financial cover for nuclear damage liability

- (1) An operator shall ensure that his liability for nuclear damage is covered by insurance or some other form of financial cover to the sum specified in Section 28, paragraph (1).
- (2) The cover for the liability of an operator for nuclear damage as in paragraph (1) above shall be in place for the duration of operation of the nuclear installation and at least ten years after a nuclear incident.
- (3) An exemption from nuclear damage liability cover is made for nuclear incidents caused by small amounts of nuclear materials which are assumed not to be capable of giving rise to

nuclear damage.²¹ Details of the maximum limits for such amounts shall be established by a generally-binding legal regulation to be issued by the Authority.

Chapter Six

NUCLEAR REGULATORY AUTHORITY OF THE SLOVAK REPUBLIC

Section 31

Competence of the Authority

The Authority shall carry out the following tasks in the sphere of utilisation of nuclear energy:

- a) grant and withdraw authorisations to legal persons and natural persons;
- b) issue and withdraw permits for each of the following:
 - 1. receiving nuclear materials and their utilisation;
 - 2. management of radioactive waste and of spent nuclear fuel;
 - 3. import or export of nuclear materials, special materials and equipment;
 - 4. transportation of nuclear materials;
 - 5. decommissioning of nuclear installations;
 - 6. change of purpose of nuclear installation through reclassification as a nuclear installation with a different purpose;
 - 7. re-import of radioactive waste.
- c) issue permission for:
 - 1. construction of nuclear installations;
 - 2. design changes during construction, operation or decommissioning of a nuclear installation which impact on nuclear safety;
 - 3. commencement of individual stages of commissioning of a nuclear installation;
 - 4. operation of a nuclear installation;
 - 5. extension of period of operation of a nuclear installation.

21. Article 1 paragraph 2 of the Vienna Convention on Civil Liability for Nuclear Damage (publication of the Ministry of Foreign Affairs of the Slovak Republic No. 70/1996 Z.z.).

- d) approve:
 - 1. types of transportation equipment for the transportation of nuclear material or radioactive waste;
 - 2. limits and conditions for the safe operation of nuclear installations;
 - 3. programmes for commissioning of nuclear installations split into stages;
 - 4. study principles, including the technical equipment used, at specialised institutions for the training of employees in respect of whom a professional qualification or a particular professional qualification is required;
 - 5. quality systems and quality requirements for nuclear installations and activities;
 - 6. on-site emergency plans.
- e) order:
 - 1. transfer of nuclear materials [Section 10(5)];
 - 2. management of radioactive waste where the originator is not known [Section 17(9)];
 - 3. reduction in the output or shutdown of a nuclear installation or its construction, discontinuation of use of a nuclear material or of radioactive waste management [Section 35].
- f) verify the particular professional qualifications of selected employees [Section 21(4)];
- g) support, within its competence, international co-operation in the sphere of use of nuclear energy including commitments arising out of international agreements and conventions; and co-ordinate co-operation, between the central bodies of public administration and the International Atomic Energy Agency;
- h) ensure that the public is informed of:
 - 1. serious accidents and emergency situations;
 - 2. accidents outside the borders of the Slovak Republic;
 - 3. serious deficiencies identified during inspections and the enforced corrective measures.

Section 32

- (1) The Authority performs the State supervision of:
 - a) nuclear safety at nuclear installations;
 - b) management of radioactive waste and spent nuclear fuel;

- c) nuclear materials, special materials and equipment;
 - d) physical protection of nuclear installations, nuclear materials and radioactive waste from nuclear installations;
 - e) emergency planning.
- (2) In carrying out State supervision, the Authority shall:
- a) conduct inspections of workplaces, operations and facilities at nuclear installations, and inspect how duties arising out of this Act, regulations issued on the basis of it and operational regulations are being fulfilled, whether operating limits and conditions and quality assurance systems, and also duties arising out of decisions, arrangements and orders issued on the basis of this Act, are being adhered to;
 - b) inspect fulfilment of obligations arising out of international agreements by which the Slovak Republic is bound, in areas relating to the requirements for nuclear safety and management of nuclear materials and radioactive waste from nuclear installations and arrangements for disposal and disposal of institutional radioactive waste, and management of spent nuclear fuel, including accounting and control;
 - c) identify the state, causes and consequences of accidents, incidents and selected malfunctions at their place of occurrence, or, in the case of an incident or accident investigation carried out by another body, participate as a mandatory body in this investigation;
 - d) check the performance of obligatory reviews, surveys, operational checks and tests on selected equipment at nuclear installations;
 - e) order corrective actions for deficiencies affecting nuclear safety;
 - f) assess the nuclear safety of nuclear installations independently of their operator;
 - g) inspect the content and practising of emergency plans.

Section 33

- (1) Holders of an authorisation, users of nuclear materials, consignors or carriers of nuclear materials shall, for the purposes of State supervision, submit the required materials, documentation and expert analyses and give the required information. They shall also co-operate as required with the Authority and create conditions for it to carry out unimpeded State supervision, and apply the results of its findings in their activities.
- (2) The holder of an authorisation shall allow inspectors from the Authority and persons assigned by the Authority access to facilities and areas in nuclear installations and give the required co-operation during the performance of an official inspection.
- (3) The Authority shall make reports on its activities, issue experts statements and notify serious deficiencies identified during the State supervision and those measures which have been

prescribed to deal with such deficiencies, to the Government and to the relevant central State offices.

Section 34

Nuclear safety inspectors

- (1) Tasks in the sphere of the State supervision shall be performed by the Authority using its nuclear safety inspectors (hereinafter referred to as “inspector”).
- (2) An inspector shall meet qualification requirements and demonstrate that they have been met by taking an inspector’s examination.
- (3) During performance of an official inspection, an inspector shall produce his inspector’s identification card issued by the Authority.
- (4) An inspector is authorised:
 - a) to have access at any time to facilities and areas in nuclear installations and to areas in which nuclear materials, special materials and equipment are located, or radioactive waste management is going on; to carry out reviews and control activities pursued; to require the submission of relevant evidence and documentation, information and explanations; ensure that employees with professional qualifications, including selected employees, have knowledge of the procedures, to control the implementation of conditions for the performance of work; to identify the status, causes and consequences of operating events, and to check the status of emergency planning;
 - b) following discussion of identified deficiencies with the statutory body of a legal person or with a natural person, to give binding orders for the elimination of such deficiencies and order that the necessary steps be taken;
 - c) to confiscate the certificate of a particular professional qualification [Section 21(4)] if a selected employee has flagrantly or repeatedly violated operating procedures or is unsuitable as regards the particular professional qualification.
- (5) A confiscated certificate of particular professional qualification shall be passed on by the inspector for further action by the Authority. In this action the Authority shall decide within one month of confiscation of the certificate whether it is to be withheld or returned.
- (6) A certificate of particular professional qualification may be withheld for a set time, but not for longer than three years, or permanently. A certificate is withheld for a set period if there are grounds for assuming that the reasons for which it was withdrawn may be remedied. In the case of permanent loss of physical or mental qualifications in a holder of a certificate of particular professional qualification, the certificate shall be permanently withdrawn. Return of a withdrawn certificate is conditional on examination of the particular professional qualification of the employee.

Section 35

Discontinuation of the operation of a nuclear installation or its construction

In the event of a hazard arising out of a delay, or if serious circumstances arise which are of significance for nuclear safety, physical protection or emergency preparedness, the Authority is authorised to order the holder of an authorisation to take the necessary steps, including a reduction in output or shutdown of a nuclear installation or cessation of its construction, to cease using nuclear material or to cease radioactive waste management.

Section 36

Penalties

- (1) The Authority may impose a penalty of up to 50 000 000 Slovak crowns on a person who violates the prohibition on use of nuclear energy or nuclear materials for any purposes other than peaceful [Section 3 (1)].
- (2) The Authority may impose a penalty of up to 30 000 000 Slovak crowns on a legal or natural person who carries out actions in the sphere of use of nuclear energy, including transportation of nuclear materials or radioactive waste or spent nuclear fuel, without an authorisation, permit, permission or approval from the Authority [Section 4(1) and (2), Section 10(1), (3) and (4), Section 11(1), Section 14(2), Section 15(1), Section 16(1), Section 17(4), (7) and (14), Section 18(1) to (4) and Section 19(4)].
- (3) The Authority may impose a penalty of up to 10 000 000 Slovak crowns on a holder of an authorisation, or on a consignor or carrier of nuclear materials, radioactive waste or spent nuclear fuel, for threatening or violating nuclear safety through failure to observe the obligations incumbent upon him that arise out of Section 11(2), Section 12(1), Section 15(5), Section 17(11) and (13), Section 19(2), Section 20(2), (3) and (5) to (9), Section 22(1) to (4), Section 23(7), Section 24(4) and (5) and Section 25(4), (14), (15) and (18), or for failure to take steps within a given time as ordered by a decision of the Authority or a binding order from an inspector.
- (4) The Authority may impose a penalty of up to 500 000 Slovak crowns on the statutory body of a legal person or on a natural person for concealing information that is significant for the performance of an official inspection, or for failure to notify facts that are of significance for nuclear safety, or for assigning an employee to carry out activities for which he has not met the professional qualification or particular professional qualification condition.
- (5) The Authority may impose a penalty of up to 30 000 Slovak crowns on an employee of a holder of an authorisation or a consignor or a carrier of nuclear materials or radioactive waste for concealing facts that are significant for the performance of an official inspection, or for refusing to co-operate with an inspector during the performance of an inspection.
- (6) A further penalty of up to double the amount of the initial penalty may be imposed on a person who has not remedied the deficiencies for which the initial penalty was imposed within the given period.

- (7) A penalty may be imposed within one year of the day when the Authority identified the breach of duty, but no later than three years from the day when the breach of duty took place.
- (8) In setting the amount of a penalty under paragraphs (1) to (5) above, particular attention shall be given to the significance, method, duration and possible consequences of the breach of duty.
- (9) The imposition of a penalty on a holder of an authorisation, a consignor or a carrier does not impinge upon the criminal responsibility of his employees.
- (10) Penalties shall be paid into the State Fund for Decommissioning of Nuclear Power Plants and Management of Spent Nuclear Fuel and Radioactive Waste.

Chapter Seven

GENERAL, TEMPORARY AND FINAL PROVISIONS

Section 37

Relation to administrative procedure

- (1) The general regulations on administrative proceedings²² do not apply to proceedings of the Authority under Section 4(3), Section 9(5), Section 11(1) to (3), Section 13(2), Section 15(1), (4) and (5), Section 16(1), Section 17(6), Section 19(4) and Section 22(4).
- (2) The lodging of a protest against decisions taken under Section 8(2) b) and Section 35 shall not have a suspensive effect.

Section 38

Temporary provisions

- (1) Decisions taken under earlier regulations shall be considered as decisions taken under this Act.
- (2) Proceedings commenced prior to this Act coming into effect shall be completed under the earlier regulations.
- (3) Legal persons and natural persons who carry out activities governed by this Act on the basis of an authorisation issued under different regulations, and who intend to continue with these activities, shall request the Authority to issue an appropriate authorisation under the terms of this Act no later than six months from the day when this Act comes into effect. This obligation does not apply to legal persons or natural persons who use nuclear energy on the basis of a licence or permission issued under a particular regulation.⁴

22. Act No. 71/1967 Zb. on administrative proceedings (administrative procedure).

4. See footnote No. 4.

- (4) In the event that the performance of certain activities in the sphere of use of nuclear energy is not in accordance with the conditions established by this Act, the legal person or natural person shall without delay confer with the Authority on measures to be taken to bring these activities into line with this Act. Such measures shall be taken no later than six months from the day when this Act comes into effect, unless otherwise stipulated by the Authority.

Section 39

Repeal provision

Act No. 28/1984 Zb. on official inspection of nuclear safety at nuclear installations in the wording of the Act of the National Council of the Slovak Republic No. 254/1994 Z.z. on the State Fund for Decommissioning of Nuclear Power Plants and Management of Spent Nuclear Fuel and Radioactive Waste is repealed.

Section 40

Unless they contradict this Act, the following executive regulations shall *remain* in force until the issue of new executive regulations on the basis of this Act:

- a) Decree of the Czechoslovakian Atomic Energy Commission [*Ceskoslovenska Komisia pre atómovú energiu*] No. 28/1977 Zb. on accountancy and control of nuclear materials,
- b) Decree of the Czechoslovakian Atomic Energy Commission No. 67/1987 Zb. on ensuring nuclear safety during the handling of radioactive waste,
- c) Decree of the Czechoslovakian Atomic Energy Commission No. 100/1989 Zb. on physical protection of nuclear installations and nuclear materials,
- d) Decree of the Czechoslovakian Atomic Energy Commission No. 191/1989 Zb., which establishes the method, periods and conditions for examination of particular specialist qualifications of selected employees at nuclear installations,
- e) Decree of the Czechoslovakian Atomic Energy Commission No. 436/1990 Zb. on quality assurance for selected equipment from the aspect of nuclear safety at nuclear installations,
- f) Regulation of the Czechoslovakian Atomic Energy Commission No. 2/1978 of 27 October 1978 on nuclear safety in the design, licensing and creation of buildings with nuclear power generation equipment (registered in Section 28/1978 Zb.),
- g) Regulation of the Czechoslovakian Atomic Energy Commission No. 4/1979 of 31 March 1979 on general criteria for nuclear safety in the siting of buildings with nuclear power generation equipment (registered in Section 9/1979 Zb.),
- h) Regulation of the Czechoslovakian Atomic Energy Commission No. 6/1980 of 23 January 1980 on nuclear safety in the start-up and operation of nuclear power generation equipment (registered in Section 13/1980 Zb.),

- i) Regulation of the Czechoslovakian Atomic Energy Commission No. 9/1985 of 16 May 1985 on nuclear safety in research nuclear power generation equipment (registered in Section 11/1985 Zb.).

Part II

Act No. 174/1968 Zb. on official specialist inspection of work safety in the wording of Act of the National Council of the Slovak Republic No. 256/1994 Z.z. has been amended and supplemented as follows:

1. In Section 2, sub-paragraph (e) reads:

“e) shall perform official specialist inspection of work safety, the safety of technical equipment, apart from selected equipment at nuclear installations, and of the established conditions of work in nuclear power generation.”

The footnote bearing the number 1a reads:

“1a) Act No. .../1998 Z.z. on the peaceful use of nuclear energy and on alterations and amendments to Act No. 174/1968 Zb. on State supervision of work safety as amended by Act of the National Council of the Slovak Republic No. 256/1994 Z.z.

Regulation of the Czechoslovakian Atomic Energy Commission No. 436/1990 Zb. on quality assurance for selected items from the aspect of nuclear safety at nuclear installations.”

2. Section 3(2) shall be supplemented by a sub-paragraph (d), which reads:

“d) nuclear installations which, under the terms of specific regulations, are subject to official inspection by the Nuclear Regulatory Authority of the Slovak Republic.”

Part III

This Act shall enter into effect on 1 July 1998.
